

**BEFORE THE
PHYSICIAN ASSISTANT BOARD
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	
)	
SHEILA ANITA LEDERER, P.A.)	Case No. 950-2015-000772
)	
Physician Assistant)	
License No. PA 21352)	
)	
Respondent)	
_____)	

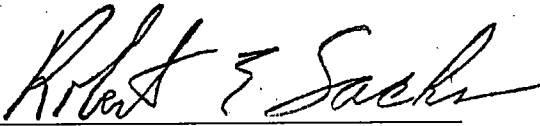
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Physician Assistant Board, Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 7, 2017.

IT IS SO ORDERED November 7, 2017.

PHYSICIAN ASSISTANT BOARD

By: 
Robert E. Sachs, P.A., Chair

1 XAVIER BECERRA
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2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 JANNSEN TAN
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8 *Attorneys for Complainant*

9 **BEFORE THE**
10 **PHYSICIAN ASSISTANT BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 950-2015-000772

14 **SHEILA ANITA LEDERER, P.A.**
15 **4101 Innovator Drive, Apt. 1337**
Sacramento, CA 95834

16 **STIPULATED SETTLEMENT AND**
17 **DISCIPLINARY ORDER**

18 **Physician Assistant License No. PA 21352**

19 **Respondent.**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Maureen L. Forsyth (Complainant) is the Executive Officer of the Physician Assistant
24 Board (Board). She brought this action solely in her official capacity and is represented in this
25 matter by Xavier Becerra, Attorney General of the State of California, by Jannsen Tan, Deputy
26 Attorney General.

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2. Respondent Sheila Anita Lederer, P.A. (Respondent) is represented in this proceeding by attorney Jeff Kravitz Esq., whose address is: 6747 Fair Oaks Blvd., Carmichael, CA 95608.

3. On or about November 15, 2010, the Board issued Physician Assistant License No. PA 21352 to Sheila Anita Lederer, P.A. (Respondent). The Physician Assistant License was in full force and effect at all times relevant to the charges brought in Accusation No. 950-2015-000772, and will expire on August 31, 2018, unless renewed.

JURISDICTION

4. Accusation No. 950-2015-000772 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 11, 2016. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 950-2015-000772 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 950-2015-000772. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
2 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
3 the Attorney General's office. Communications pursuant to this paragraph shall not disqualify the
4 Board, any member thereof, and/or any other person from future participation in this or any other
5 matter affecting or involving Respondent. In the event that the Board, in its discretion, does not
6 approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this
7 paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall
8 not be relied upon or introduced in any disciplinary action by either party hereto. Respondent
9 further agrees that should the Board reject this Stipulated Settlement and Disciplinary Order for
10 any reason, Respondent will assert no claim that the Board, or any member thereof, was
11 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
12 Disciplinary Order or of any matter or matters related hereto.

13 **ADDITIONAL PROVISIONS**

14 15.. This Stipulated Settlement and Disciplinary Order is intended by the parties herein
15 to be an integrated writing representing the complete, final and exclusive embodiment of the
16 agreements of the parties in the above-entitled matter.

17 16.. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
18 including copies of the signatures of the parties, may be used in lieu of original documents and
19 signatures and, further, that such copies shall have the same force and effect as originals.

20 17.. In consideration of the foregoing admissions and stipulations, the parties agree the
21 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
22 the following Disciplinary Order:

23 **DISCIPLINARY ORDER**

24 1. IT IS HEREBY ORDERED that Physician Assistant License No. PA 21352 issued to
25 Respondent Sheila Anita Lederer, P.A. is revoked. However, the revocation is stayed and
26 Respondent is placed on probation for five (5) years from the effective date of the decision on the
27 following terms and conditions.

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2. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the effective date of this decision, respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. The course shall be Category I certified, limited to classroom, conference, or seminar settings. Respondent shall successfully complete the course within the first 6 months of probation.

Respondent shall pay the cost of the course.

Respondent shall submit a certification of successful completion to the Board or its designee within 15 days after completing the course.

3. EDUCATION COURSE Within 60 days of the effective date of the decision, respondent shall submit to the Board or its designee for its prior approval an educational program or course from an accredited program which shall not be less than 65 hours of Category 1 CME. The education course shall be aimed at correcting any areas of deficient practice or knowledge. The course shall be Category I certified, limited to classroom, conference, or seminar settings. Respondent shall successfully complete the course within the first year of probation.

Respondent shall pay the cost of the course.

Respondent shall submit a certification of successful completion to the Board or its designee within 15 days after completing the course.

4. APPROVAL OF SUPERVISING PHYSICIAN Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval the name and license number of the supervising physician and a practice plan detailing the nature and frequency of supervision to be provided. Respondent shall not practice until the supervising physician and practice plan are approved by the Board or its designee.

Respondent shall have the supervising physician submit quarterly reports to the Board or its designee.

If the supervising physician resigns or is no longer available, respondent shall, within 15 days, submit the name and license number of a new supervising physician for approval. Respondent shall not practice until a new supervising physician has been approved by the Board or its designee.

1 5. NOTIFICATION OF EMPLOYER AND SUPERVISING PHYSICIAN

2 Respondent shall notify his/her current and any subsequent employer and supervising
3 physician(s) of the discipline and provide a copy of the Accusation, Decision, and Order to each
4 employer and supervising physician(s) during his/her period of probation, before accepting or
5 continuing employment. Respondent shall ensure that each employer informs the Board or its
6 designee, in writing within 30 days, verifying that the employer and supervising physician(s) have
7 received a copy of the Accusation, Decision, and Order.

8 This condition shall apply to any change(s) in place of employment.

9 The respondent shall provide to the Board or its designee the names, physical addresses,
10 mailing addresses, and telephone numbers of all employers, supervising physicians, and work site
11 monitor, and shall inform the Board or its designee in writing of the facility or facilities at which
12 the person practices as a physician assistant.

13 Respondent shall give specific, written consent to the Board or its designee to allow the
14 Board or its designee to communicate with the employer, supervising physician, or work site
15 monitor regarding the licensee's work status, performance, and monitoring.

16 6. OBEY ALL LAWS Respondent shall obey all federal, state, and local laws, and all
17 rules governing the practice of medicine as a physician assistant in California, and remain in full
18 compliance with any court ordered criminal probation, payments, and other orders.

19 7. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
20 penalty of perjury on forms provided by the Board or its designee, stating whether there has been
21 compliance with all the conditions of probation.

22 8. OTHER PROBATION REQUIREMENTS Respondent shall comply with the
23 Board's probation unit. Respondent shall, at all times, keep the Board and probation unit
24 informed of respondent's business and residence addresses. Changes of such addresses shall be
25 immediately communicated in writing to the Board and probation unit. Under no circumstances
26 shall a post office box serve as an address of record, except as allowed by California Code of
27 Regulations 1399.523.

28 Respondent shall appear in person for an initial probation interview with Board or its

1 designee within 90 days of the decision. Respondent shall attend the initial interview at a time
2 and place determined by the Board or its designee.

3 Respondent shall, at all times, maintain a current and renewed physician assistant license.

4 Respondent shall also immediately inform the probation unit, in writing, of any travel to
5 any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than
6 thirty (30) days.

7 9. INTERVIEW WITH MEDICAL CONSULTANT Respondent shall appear in
8 person for interviews with the Board's medical or expert physician assistant consultant upon
9 request at various intervals and with reasonable notice.

10 10. NON-PRACTICE WHILE ON PROBATION Respondent shall notify the Board or
11 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
12 30 calendar days. Non-practice is defined as any period of time exceeding 30 calendar days in
13 which respondent is not practicing as a physician assistant. Respondent shall not return to
14 practice until the supervising physician is approved by the Board or its designee.

15 If, during probation, respondent moves out of the jurisdiction of California to reside or
16 practice elsewhere, including federal facilities, respondent is required to immediately notify the
17 Board in writing of the date of departure and the date of return, if any.

18 Practicing as a physician assistant in another state of the United States or federal
19 jurisdiction while on active probation with the physician assistant licensing authority of that state
20 or jurisdiction shall not be considered non-practice.

21 All time spent in a clinical training program that has been approved by the Board or its
22 designee, shall not be considered non-practice. Non-practice due to a Board ordered suspension
23 or in compliance with any other condition or probation, shall not be considered a period of non-
24 practice.

25 Any period of non-practice, as defined in this condition, will not apply to the reduction of
26 the probationary term.

27 Periods of non-practice do not relieve respondent of the responsibility to comply with the
28 terms and conditions of probation.

1 It shall be considered a violation of probation if for a total of two years, respondent fails to
2 practice as a physician assistant. Respondent shall not be considered in violation for non-practice
3 as long as respondent is residing and practicing as a physician assistant in another state of the
4 United States and is on active probation with the physician assistant licensing authority of that
5 state, in which case the two year period shall begin on the date probation is completed or
6 terminated in that state.

7 11. UNANNOUNCED CLINICAL SITE VISIT The Board or its designee may make
8 unannounced clinical site visits at any time to ensure that respondent is complying with all terms
9 and conditions of probation.

10 12. CONDITION FULFILLMENT A course, evaluation, or treatment completed after
11 the acts that gave rise to the charges in the accusation, but prior to the effective date of the
12 Decision may, in the sole discretion of the Board or its designee, be accepted towards the
13 fulfillment of the condition.

14 13. COMPLETION OF PROBATION Respondent shall comply with all financial
15 obligations (e.g., cost recovery, probation costs) no later than 60 calendar days prior to the
16 completion of probation. Upon successful completion of probation, respondent's license will be
17 fully restored.

18 14. VIOLATION OF PROBATION If respondent violates probation in any respect, the
19 Board, after giving respondent notice and the opportunity to be heard, may revoke probation and
20 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is
21 filed against respondent during probation, the Board shall have continuing jurisdiction until the
22 matter is final, and the period of probation shall be extended until the matter is final.

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1 15. COST RECOVERY The respondent is hereby ordered to reimburse the Physician
2 Assistant Board the amount of \$ 10,000 within 90 days from the effective date of this decision for
3 its investigative costs. Failure to reimburse the Board's costs for its investigation shall constitute
4 a violation of the probation order, unless the Board agrees in writing to payment by an installment
5 plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve
6 the respondent of his/her responsibility to reimburse the Board for its investigative costs. The
7 Board agrees to enter into a written installment plan, provided the entire amount shall be due and
8 demandable before the expiration of the probationary term.

9 16. PROBATION MONITORING COSTS Respondent shall pay the costs associated
10 with probation monitoring each and every year of probation, as designated by the Board, which
11 may be adjusted on an annual basis. The costs shall be made payable to the Physician Assistant
12 Board and delivered to the Board no later than January 31 of each calendar year.

13 17. VOLUNTARY LICENSE SURRENDER Following the effective date of this
14 probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable
15 to satisfy the terms and conditions of probation, respondent may request, in writing, the
16 voluntarily surrender of respondent's license to the Board. Respondent's written request to
17 surrender his or her license shall include the following: his or her name, license number, case
18 number, address of record, and an explanation of the reason(s) why respondent seeks to surrender
19 his or her license. The Board reserves the right to evaluate the respondent's request and to
20 exercise its discretion whether to grant the request, or to take any other action deemed appropriate
21 and reasonable under the circumstances. Respondent shall not be relieved of the requirements of
22 his or her probation unless the Board or its designee notifies respondent in writing that
23 respondent's request to surrender his or her license has been accepted. Upon formal acceptance
24 of the surrender, respondent shall, within 15 days, deliver respondent's wallet and wall certificate
25 to the Board or its designee and shall no longer practice as a physician assistant. Respondent will
26 no longer be subject to the terms and conditions of probation and the surrender of respondent's
27 license shall be deemed disciplinary action. If respondent re-applies for a physician assistant
28 license, the application shall be treated as a petition for reinstatement of a revoked license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney Jeff Kravitz Esq. I understand the stipulation and the effect it will have on my Physician Assistant License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physician Assistant Board.

DATED:

10/4/2017
SHEILA ANITA LEDERER, P.A.
Respondent

I have read and fully discussed with Respondent Sheila Anita Lederer, P.A. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

10-5-17
JEFF KRAVITZ, ESQ.
Attorney for RespondentENDORSEMENT

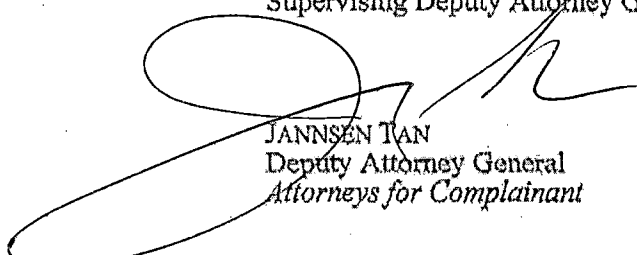
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physician Assistant Board.

Dated:

10/29/2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General


JANNSEN TAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 950-2015-000772

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO October 11 2016
BY R. Firdaus ANALYST

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8 *Attorneys for Complainant*

10 BEFORE THE
11 PHYSICIAN ASSISTANT BOARD
DEPARTMENT OF CONSUMER AFFAIRS
12 STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 950-2015-000772

14 **SHEILA ANITA LEDERER, P.A.**
4101 Innovator Drive, Apt. 1337
15 Sacramento, CA 95834

ACCUSATION

16 Physician Assistant License No. PA 21352

17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Maureen L. Forsyth (Complainant) brings this Accusation solely in her official
23 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer
24 Affairs.

25 2. On or about November 15, 2010, the Physician Assistant Board issued Physician
26 Assistant License Number PA 21352 to Sheila Anita Lederer, P.A. (Respondent). The Physician
27 Assistant License was in full force and effect at all times relevant to the charges brought herein
28 and will expire on August 31, 2018, unless renewed.

JURISDICTION

3. This Accusation is brought before the Physician Assistant Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 3527 of the Code states:

“(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board of California.

“(b) The board may order the denial of an application for, or the suspension or revocation of, or the imposition of probationary conditions upon, an approved program after a hearing as required in Section 3528 for a violation of this chapter or the regulations adopted pursuant thereto.

“(c) The Medical Board of California may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon, an approval to supervise a physician assistant, after a hearing as required in Section 3528, for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board of California.

“(d) Notwithstanding subdivision (c), the Division of Medical Quality of the Medical Board of California, in conjunction with an action it has commenced against a physician and surgeon, may, in its own discretion and without the concurrence of the Medical Board of California, order the suspension or revocation of, or the imposition of probationary conditions upon, an approval to supervise a physician assistant, after a hearing as required in Section 3528, for unprofessional conduct, which includes, but is not limited to, a violation of this chapter, a

1 violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the
2 Medical Board of California.

3 “(e) The board may order the denial of an application for, or the suspension or revocation
4 of, or the imposition of probationary conditions upon, a physician assistant license, after a hearing
5 as required in Section 3528 for unprofessional conduct which includes, except for good cause, the
6 knowing failure of a licensee to protect patients by failing to follow infection control guidelines of
7 the board, thereby risking transmission of blood-borne infectious diseases from licensee to
8 patient, from patient to patient, and from patient to licensee. In administering this subdivision,
9 the board shall consider referencing the standards, regulations, and guidelines of the State
10 Department of Health developed pursuant to Section 1250.11 of the Health and Safety Code and
11 the standards, regulations, and guidelines pursuant to the California Occupational Safety and
12 Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for
13 preventing the transmission of HIV, Hepatitis B, and other blood-borne pathogens in health care
14 settings. As necessary, the committee shall consult with the Medical Board of California, the
15 Board of Podiatric Medicine, the Board of Dental Examiners, the Board of Registered Nursing,
16 and the Board of Vocational Nurse and Psychiatric Technicians, to encourage appropriate
17 consistency in the implementation of this subdivision.

18 “The board shall seek to ensure that licensees are informed of the responsibility of licensees
19 and others to follow infection control guidelines, and of the most recent scientifically recognized
20 safeguards for minimizing the risk of transmission of blood-borne infectious diseases.

21 “(f) The board may order the licensee to pay the costs of monitoring the probationary
22 conditions imposed on the license.

23 “(g) The expiration, cancellation, forfeiture, or suspension of a physician assistant license
24 by operation of law or by order or decision of the board or a court of law, the placement of a
25 license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive
26 the board of jurisdiction to commence or proceed with any investigation of, or action or
27 disciplinary proceeding against, the licensee or to render a decision suspending or revoking the
28 license.”

1 5. Section 2234 of the Code, states:

2 "The board shall take action against any licensee who is charged with unprofessional
3 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
4 limited to, the following:

5 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
6 violation of, or conspiring to violate any provision of this chapter.

7 "(b) Gross negligence.

8 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
9 omissions. An initial negligent act or omission followed by a separate and distinct departure from
10 the applicable standard of care shall constitute repeated negligent acts.

11 "(1) An initial negligent diagnosis followed by an act or omission medically appropriate
12 for that negligent diagnosis of the patient shall constitute a single negligent act.

13 "(2) When the standard of care requires a change in the diagnosis, act, or omission that
14 constitutes the negligent act described in paragraph (1), including, but not limited to, a
15 reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the
16 applicable standard of care, each departure constitutes a separate and distinct breach of the
17 standard of care.

18 "(d) Incompetence.

19 "(e) The commission of any act involving dishonesty or corruption which is substantially
20 related to the qualifications, functions, or duties of a physician and surgeon.

21 "(f) Any action or conduct which would have warranted the denial of a certificate.

22 "(g) The practice of medicine from this state into another state or country without meeting
23 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
24 apply to this subdivision. This subdivision shall become operative upon the implementation of the
25 proposed registration program described in Section 2052.5.

26 "(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
27 participate in an interview by the board. This subdivision shall only apply to a certificate holder
28 who is the subject of an investigation by the board."

6. Section 2266 of the Code states: “The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.”

COST RECOVERY

7. Section 125.3 of the Code states:

“(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceedings, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

“(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

“(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the entity bringing the proceeding or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

“(d) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the board to increase the cost award. The board may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

“(e) If an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee to pay costs.

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1 “(f) In any action for recovery of costs, proof of the board's decision shall be conclusive
2 proof of the validity of the order of payment and the terms for payment.

3 “(g) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the
4 license of any licentiate who has failed to pay all of the costs ordered under this section.

5 (2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or
6 reinstate for a maximum of one year the license of any licentiate who demonstrates financial
7 hardship and who enters into a formal agreement with the board to reimburse the board within
8 that one-year period for the unpaid costs.

9 “(h) All costs recovered under this section shall be considered a reimbursement for costs
10 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
11 appropriation by the Legislature.

12 “(i) Nothing in this section shall preclude a board from including the recovery of the costs
13 of investigation and enforcement of a case in any stipulated settlement.

14 “(j) This section does not apply to any board if a specific statutory provision in that board's
15 licensing act provides for recovery of costs in an administrative disciplinary proceeding.

16 “(k) Notwithstanding the provisions of this section, the Medical Board of California shall
17 not request nor obtain from a physician and surgeon, investigation and prosecution costs for a
18 disciplinary proceeding against the licentiate. The board shall ensure that this subdivision is
19 revenue neutral with regard to it and that any loss of revenue or increase in costs resulting from
20 this subdivision is offset by an increase in the amount of the initial license fee and the biennial
21 renewal fee, as provided in subdivision (e) of Section 2435.”

22 **FIRST CAUSE FOR DISCIPLINE**
23 **(Gross Negligence)**

24 8. Respondent is subject to disciplinary action under sections 3527 and 2234, as defined
25 by section 2234, subdivision (b), of the Code, in that she committed gross negligence in her care
26 and treatment of Patient MP. The circumstances are as follows:

27 Patient MP

28 9. Patient MP was a female patient who was seen on or about May 26, 2015 with a

1 diagnosis of HIV exposure to body fluids. Her husband was known to be HIV positive and she
2 had possible semen exposure during intercourse. During her visit, an HIV 1&2 AB screen with
3 reflex and a GC/Chlamydia screen was ordered. Patient MP was instructed to follow up with her
4 Primary Care Physician and have repeat HIV blood tests in 3 and 6 months. The following day
5 another physician prescribed Patient MP antiretroviral medications following telephone
6 consultation with an infectious disease doctor.

7 10. Respondent failed to adequately treat Patient MP who presented with known exposure
8 to HIV. She discharged Patient MP without immediate treatment. She failed to start
9 antiretroviral therapy as soon as possible within 72 hours of exposure and/or failed to notify
10 Patient MP's primary care physician to begin antiretroviral therapy.

11 **SECOND CAUSE FOR DISCIPLINE**
12 **(Repeated Negligent Acts)**

13 11. Respondent is subject to disciplinary action under section 3527 and 2234, subdivision
14 (c), of the Code, in that she committed repeated negligent acts in her care and treatment of
15 Patients MP, EK, KV, and AM. Paragraphs 8 through 10, above, are hereby realleged and
16 incorporated by reference as if fully set forth herein. The circumstances are as follows:

17 **Patient EK**

18 12. Patient EK was a male, minor patient who was seen on or about October 25, 2015,
19 with complaints of wheezing and shortness of breath with a past medical history significant for
20 asthma and tonsillar hypertrophy. He was diagnosed with asthma (moderate, persistent) with an
21 acute exacerbation. Patient EK's treatment included nebulizer at 1310 hrs., and Albuterol at 1316
22 hrs. Respondent reported that she asked a physician to auscultate the lungs, but the physician was
23 too busy. She then asked a nurse to auscultate as well.

24 13. Respondent verbally stated that the patient's lungs were clear enough for discharge.
25 The patient was discharged with a prescription for Loratidine (5mg/5 ML) and Albuterol (ProAir
26 HFA) with a chamber, and Albuterol 0.83 nebulized solution to be given every 4 hours as needed.
27 A follow up appointment was scheduled for October 28, 2015, and his mother was instructed on
28 proper medication use, monitoring of child and when to call 911.

1 14. Patient EK returned 40 minutes after discharge with shortness of breath and
2 wheezing. He was also diagnosed with respiratory distress. Vitals show an elevated pulse and
3 respiratory rate. A chest x-ray was ordered and revealed findings of small vessel disease of either
4 inflammatory or infectious origin, no infiltrate, and he was treated with Solumedrol IM at 1553
5 hrs., 2.5 albuterol/0.5, Ipratropiurn nebulizer at 1610 hrs., and an Albuterol nebulizer at 1800 hrs.
6 A prescription for Orapred 15mg/5 ML (3.5 ml twice daily) was given and the patient was
7 discharged with instructions on follow up and urgent care.

8 15. Respondent failed to treat Patient EK appropriately for moderate exacerbation of
9 asthma. Respondent failed to ascertain and/or document if Patient EK was taking daily asthma
10 medications or whether he was having daily asthma related symptoms. Respondent failed to
11 appreciate and consider the diagnosis of moderate asthma exacerbation based on the presentation
12 of Patient EK. Respondent improperly discharged Patient EK who presented with moderate
13 exacerbations of asthma.

14 Patient KV

15 16. Patient KV was seen by Respondent and Dr. Nguyen on or about October 30, 2015.
16 She was diagnosed with intractable vomiting without nausea and hyperemesis gravidarum. A
17 urinalysis was recorded in the chart. Vitals were also recorded as normal. Patient KV was treated
18 with an infusion of normal saline 1500cc and discharged with a refill of Zofran. Respondent's
19 note was incomplete and there was a recording of the note being deleted. Respondent reported
20 needing to transfer care to Dr. Nguyen based upon the physician requesting to assume
21 responsibility for the patient's care. She also reported the patient was upset and this contributed
22 to "trading" the patient with Dr. Nguyen. Respondent also verbally denied disobeying
23 instructions to give IV fluids. She also denied she was not aware of the seriousness of the
24 patient's condition. Respondent failed to document the reason for transferring care.

25 Patient AM

26 17. Patient AM was a female patient seen on or about August 10, 2015 diagnosed with an
27 exacerbation of moderate persistent asthma with her exam positive for wheezing and rhonchi,
28 normal vital signs and a negative chest x-ray. Her maintenance medication list includes Albuterol

1 and Flovent and she reportedly was not using these medications on a regular basis. Patient AM
2 reportedly had a good response to the Albuterol 2.5 mg/Ipratropium 0.5 mg inhalation nebulizer
3 treatment given in the clinic. Patient AM was given instructions to follow up with her PCP and
4 when to call 911. There were no vital signs recorded for post treatment assessment. Respondent
5 failed to adequately document Patient AM's baseline asthma control and response to nebulizer
6 treatment.

7 **THIRD CAUSE FOR DISCIPLINE**
8 **(Failure to Maintain Adequate and Accurate Medical Records)**

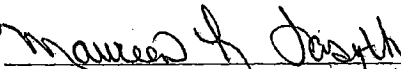
9 18. Respondent is further subject to discipline under sections 2227 and 2334, as defined
10 by section 2266, of the Code, in that she failed to maintain adequate and accurate medical records
11 in the care and treatment of Patient MP, EK, KV, and AM, as more particularly alleged
12 hereinafter: Paragraphs 9 through 17, above, are hereby incorporated by reference and realleged
13 as if fully set forth herein.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Physician Assistant Board issue a decision:

- 17 1. Revoking or suspending Physician Assistant License No. PA 21352, issued to
18 Respondent Sheila Anita Lederer, P.A.
- 19 2. Ordering Respondent Sheila Anita Lederer, P.A. to pay the Physician Assistant Board
20 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3; and, if placed on probation, to pay the Board the costs of
22 probation monitoring; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24
25 DATED: October 11, 2016


MAUREEN L. FORSYTH, Executive Officer
Physician Assistant Board
Department of Consumer Affairs
State of California
Complainant

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